RFA No.222 of 1992

14.9.2007 **Present**: Mr. Ramakant Sharma, Advocate for the appellants.

Mr. D.S. Kanwar, Advocate, for the LRs of deceased respondent No.1 and vice counsel for respondents No.2 to 7.

CMP(M) No. 615 of 2007

This is an application under Order 22 Rules 4,9 read with Section 151 CPC and Section 5 of the Limitation Act for setting aside abatement and for bringing on record the legal representatives of deceased respondent No.1 Majnu died on 30.6.2000. The application is supported by affidavit of S.K. Biswas, Addl. General Manager. No reply has been filed. For the reasons stated in the application the same is allowed. The legal representatives of deceased respondent No.1 mentioned in para-1 of the application are brought on record. Amended memo of parties is already on record. Application is disposed of.

CMP No.359 of 2007

Allowed as not opposed. The appellant No.2 M/s.Nathpa Jhakri Power Corporation, Shimla is substituted by Satluj JaL Vidut Nigam Ltd. The amended memo of parties has already been filed which is taken on record.

RFA No.222 of 2001 with CMP No.360 of 2007

An application under Order 23 Rules 1,3, read with Section 151 C.P.C. has been filed jointly by the parties. The contesting parties have filed “agreement of out of Court settlement” dated 26.4.2007 along with the application. The application is supported by affidavits of Hari Dass Rathore, authorized by the claimants as well as S.K. Biswas, Additional General Manager, Satluj Jal Vidyut Nigam Ltd. The application is also signed by learned counsel for the parties. It has

been represented that parties have settled their dispute in terms of "agreement of out of Court settlement" Annexure A-2 and they have prayed to dispose of the appeal in terms of Annexure A-2. as well as application under Order 23 Rules 1 ,3 read with Section 151 CPC being CMP.360 of 2007.

I have gone through the application under Order 23 Rules 1, 3 read with Section 151 C.P.C. which is supported by affidavits of Hari Dass and S.K. Biswas. The appeal is dismissed as withdrawn in terms of "agreement of out of Court settlement" Annexure A-2 and CMP No.360 of 2007 under Order 23 Rules1,3 read with Section 151 C.P.C.

CMP No.361 of 2007

The parties have compromised the appeal which has been dismissed as withdrawn in terms of "agreement of out of Court settlement" Annexure A-2 in terms of CMP No.360 of 2007. The Court fee be refunded to appellant No.2 in accordance with law. The application is disposed of.

(Kuldip Singh)
Judge

September 14, 2007
(sks)